

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALBERT GRAY, JR.,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	
Commissioner of	:	
Social Security,	:	
Defendant	:	NO. 04-4078

O R D E R

AND NOW, this 28th day of October, 2005, having considered the parties' motions for summary judgment, and after review of the Report and Recommendation of Magistrate Judge Linda K. Caracappa, **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment is **GRANTED**;
3. Defendant's Motion for Summary Judgment is **DENIED**;
4. The matter is **REMANDED** to the Commissioner for a calculation of benefits for the closed period of disability from January 2000 to February 2001;
5. The matter is also **REMANDED** to the Commissioner for determination of whether the Plaintiff remained disabled after the closed period of disability; and
6. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

John R. Padova, J.